

REMARKS

Amendments to the Claims

Applicants thank the Examiner for an early indication of allowable subject matter. Applicants have amended the claims without prejudice to further presentations in a continuation application along the lines suggested in the Office Action mailed July 5, 2005.

Specifically, independent claim 1 is hereby amended to incorporate the limitation recited in claim 9. Claim 9 is hereby canceled.

Applicants have also amended claim 13, which recites a kit of parts for coloring hair, to incorporate the limitation on the type of persulfate salt. This limitation is analogous to that recited in amended claim 1.

Claim 17 is hereby canceled. New claim 18, analogous to claim 9 is presented.

No new matter has been introduced.

Double Patenting

In the Office Action, claims 1-4 and 10-12 were provisionally rejected over claims in the copending application: Application No. 10/963,332.

Since claims 6-9 were not rejected on basis of double patenting over the same Application, applicants assume that the currently amended claims, which now incorporate the limitations of claim 8, overcomes the double patenting rejection.

However, in light of the availability of the Terminal Disclaimer practice, applicants agree to the filing of the Terminal Disclaimer should one still be required, upon an indication of the allowable subject matter.

Claim Rejections – 35 USC § 103

In the Office Action mailed August 5, 2005, claims 1-5, 10, 13, 16 and 17 were rejected 35 U.S.C. § 103(a) as being unpatentable over Sarojini et al (US2003/0154562 A1). Claims 11, 12 and 14-15 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Sarojini et al (US2003/0154562 A1) in view of Dias (US 6,540,791 B1).

In an effort to advance prosecution of the application and without prejudice, applicants have amended independent claim 1 to incorporate the limitation recited in previous dependent claim 8 (now canceled) as suggested in the Office Action. Further, independent claim 13 has been amended to recite limitations on the type of persulfate salt that is analogous to that recited in amended claim 1. Since the amended claims incorporate a limitation that is not disclosed in the prior art, applicants consider that the 103(a) rejections over Sarojini et al (US2003/0154562 A1) alone or in combination with Dias (US 6,540,791 B1) are now rendered moot. Consequently, applicants respectfully request that the application as amended be allowed to issue as a patent.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael P. Aronson".

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